IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.2597 OF 2005

Between:

Smt.Sahib Bee, W/o.Late Hyder Basha,

Poodoor village, Kudfamyal Mandal,

Karimnagar District.

..... PETITIONER

AND

Md.Habeeb Khan, Circle Inspector of Police,

Jagtial, Karimnagar District and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.2597 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is taken up on the basis of a telegram received by this Court on 09.02.2005. The alleged sender of this telegram is one Smt. Sahib Bee complaining that her only son Dula Basha aged 30 years was picked up by the 1st respondent-Md.Hasbeeb Khan, Circle Inspector of Police, Jagtial, illegally detained and tortured her son and finally killed him in the Police Station on 20th September, 2004 and destroyed all the evidence. She further alleged that the 1st respondent threatened the villagers at the gun-point not to speak about the incident and paid Rs.50,000/-, though the telegram is not specific as to whom the money was paid.

This Court passed an order on 01.07.2005 and for the reasons recorded therein ordered an enquiry into the matter by the District Judge, Karimnagar and stipulated that the learned District Judge should submit a report within four weeks from that date. The time so stipulated was subsequently extended by another four weeks.

The order dated 01.07.2005 of this Court insofar as it is relevant for us reads as follows:

> "Counter affidavit has been filed by respondent No.1 in which all these allegations have been denied. He has also stated that on similar accusations, a letter was addressed to Judicial First Class Magistrate, Karimnagar, and the complainant (petitioner herein) was examined by the Magistrate, and she denied the contents of the representation and further stated that somebody else had sent the representation without her knowledge. On recording the statement, the Magistrate dismissed the complaint. It is also stated in the counter affidavit that a news item appeared in the newspaper Andhra Jyothi on 17-2-2005 wherein the lady made a statement that she had not sent any telegram to this Court as well. The filing of the complaint before the Magistrate and issuance of a press statement by the petitioner are all consequent to our taking cognizance of the matter which creates doubts of its own. The telegram was received by this Court on
> 9-2-2005 and complaint was filed thereafter and the complainant was examined on 23-2-2005 and press statement was given on 17-2-2005. There can be reasonable suspicion that respondent No.1 had something to do with all these consequential developments. ....."

The learned District Judge in his report categorically stated that pursuant to the directions of this Court, he visited the residence of

Smt. Sahib Bee on 20th August, 2005 at Pudur Village and examined her and her daughter by name Mahammoda and recorded their sworn statements. The substance of the statements of the mother and daughter is that the deceased-Dula Basha went to Hyderabad one week prior to 02.09.2004 along with his friend by name Muthyam Reddy for medical check-up and on 02.09.2004 at about 5.00 a.m. the said Muthyam Reddy brought back the dead body of the deceased-Dula Basha and informed them that he died due to high blood

pressure. According to the learned District Judge's report, Smt.Sahib Bee totally denied having sent any telegram to the High Court and also to the local Magistrate. Apart from the report, the telegram received by this Court was booked at Hyderabad and not booked either at the village where
Smt. Sahib Bee is residing or at any nearby telegraph office.

One more interesting feature of this telegram is that it makes an express reference to the pending writ petitions (i.e.) Writ Petition Nos.23753 and 22813 of 2004. The relevant portion of the telegram reads as follows:

> "5.NUMBER OF VICTIMS LIKE K SUBHAS CHANDER ADVOCATE PETITIONER IN W.P.NO 23753 OF 2004 AND W.P NO 22813 OF 2004 POSTED TO 09-2-2005."

As already noticed, the telegram was received by this Court on 9th February, 2005. Strangely, the telegram was not addressed either to the Chief Justice or the Registry, but it was addressed to a learned Judge of this Court before whom the above-mentioned two writ petitions stood posted on 9th February, 2005. Admittedly, the petitioner is an illiterate person, and it would be difficult to imagine that such an illiterate person would have known the details of those writ petitions, which are pending in this Court.

Another feature of the telegram is that it specifies that Dula Basha was killed on 20th September, 2004 whereas according to the mother, his dead body was brought back on 2nd September, 2004. The crucial factor with reference to which the mother could not have made a mistake if really she sent a telegram.

For all the above-mentioned reasons, we are of the opinion that the complaint is baseless and also a false complaint and it is not difficult to imagine as to what could be the background in which the telegram was sent to this Court, but we leave the matter there. We see no merits in the writ petition and the same is dismissed.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

30TH AUGUST, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.2597 OF 2005

(Per Sri Justice J.Chelameswar)

30TH AUGUST, 2005